

COUNTY OF SAN BERNARDINO EQUAL EMPLOYMENT OPPORTUNITY PLAN

Adopted on July 20, 1999

by the

COUNTY OF SAN BERNARDINO
BOARD OF SUPERVISORS

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COUNTY OF SAN BERNARDINO
EQUAL EMPLOYMENT OPPORTUNITY PLAN

TABLE OF CONTENTS

BOARD OF SUPERVISORS EEO POLICY STATEMENT	4
COUNTY ADMINISTRATIVE OFFICE EEO PROGRAM STATEMENT	5
EEO PROGRAM AMPLIFICATION	6
EQUAL EMPLOYMENT OPPORTUNITY PLAN	8
I. PLAN OBJECTIVES	8
II. RESPONSIBILITY FOR IMPLEMENTATION	8
A. EQUAL EMPLOYMENT OPPORTUNITY OFFICE	8
B. EQUAL OPPORTUNITY COMMISSION	9
C. ELECTED OFFICIALS, ASSISTANT COUNTY ADMINISTRATORS AND DEPARTMENT HEADS	10
D. DEPARTMENTAL EEO REPRESENTATIVE	10
E. DEPARTMENTAL EEO COMMITTEE	11
III. HUMAN RESOURCES	11
A. EMPLOYEE RELATIONS DIVISION	11
B. EMPLOYMENT/JOB EVALUATION	12
C. ORGANIZATIONAL AND EMPLOYEE DEVELOPMENT (OED)	14
D. CENTER FOR EMPLOYEE HEALTH AND WELLNESS	17
IV. COMMUNITY OUTREACH RECRUITMENT	17
V. UNIFORM GUIDELINES – LABOR MARKET DATA	17
VI. COMPLIANCE WITH EMPLOYMENT/ACCESSIBILITY LAWS	18
A. FEDERAL LAWS	18
B. STATE LAWS	18
C. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES	19
D. MATERNITY/FAMILY/MEDICAL LEAVE	19
E. BILINGUAL SKILLS UTILIZATION	20

EEO PLAN

VII.	INTERNAL RECORD-KEEPING	20
VIII.	MEDICAL STANDARDS	21
IX.	EMPLOYMENT OF PERSONS WITH ARREST OR CONVICTION RECORDS	21
X.	COMPLAINT RESOLUTION PROCEDURE	21
XI.	GLOSSARY	21
XII.	STATISTICAL WORK FORCE CHARTS	23
XIII.	UTILIZATION ANALYSIS NARRATIVE	24
XIV.	OBJECTIVES AND STEPS TO ACHIEVE OBJECTIVES	26
	A. OBJECTIVES	26
	B. STEPS TO ACHIEVE OBJECTIVES	26
XV.	EEO PLAN DISSEMINATION	27
	A. INTERNAL	27
	B. EXTERNAL	27
XVI.	EXHIBITS	27
	EXHIBIT I COMPLAINT RESOLUTION PROCEDURE	
	EXHIBIT II NON-DISCRIMINATION/HARASSMENT POLICY	
	EXHIBIT III CIVIL RIGHTS SEVEN-STEP GUIDE to the Design and Development of an-EEO Plan (U.S. Department of Justice) *	
	EXHIBIT IV EDUCATIONAL FACILITIES, PUBLICATIONS AND INTERNET SITES FOR RECRUITMENT/OUTREACH OF PROTECTED CLASSES AND OF AGENCIES THAT RECEIVE EMPLOYMENT OPPORTUNITY ANNOUNCEMENTS	
	EXHIBIT V UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES (Federal Register, Vol. 43) *	
	EXHIBIT VI EOC ORDINANCE (No. 3732, Adopted August 25, 1998) *	
	EXHIBIT VII EOC BYLAWS (Approved July 20, 1999) *	
	ADDENDUM BOARD OF SUPERVISORS/RECORD OF ACTION – EQUAL EMPLOYMENT OPPORTUNITY PLAN (Approved July 20, 1999) *	

* Note: Copies of these EXHIBITS available from the EEO Office by calling 909/387-5582.

COUNTY OF SAN BERNARDINO

BOARD OF SUPERVISORS
EQUAL EMPLOYMENT OPPORTUNITY
POLICY STATEMENT

The County of San Bernardino Board of Supervisors is committed to the implementation of equal rights and equal access to opportunity. Equal opportunity, a necessary element of basic merit system principles, can only be effected through definitive programmed affirmative and voluntary efforts. If progress toward achieving equal employment opportunity (hereinafter referred to as EEO) is to be made, every County citizen and employee must realize that policies to ensure equality of opportunity cannot be merely passive; there must be positive action steps taken to provide accessibility to County program services and equal opportunity to qualified individuals. Per the County's Non-Discrimination/Harassment Policy enacted on January 26, 1999, by the Board of Supervisors, the County of San Bernardino shall:

- provide equal employment opportunity to all employees and applicants regardless of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, gender or sexual orientation.
- not discriminate against or tolerate the harassment of employees or applicants for employment on the basis of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, sex or sexual orientation.
- not discriminate on any illegal basis in admission or access to, or in operation of, its programs, services or activities.

This Plan commits all employees of the County of San Bernardino to support, in an affirmative manner, the Board of Supervisors' policy regarding equal employment opportunity. The County Administrative Officer is charged with the responsibility for implementing the provisions of this Plan. The County EEO Officer shall provide for effective communication of and conformance with the requirements of this Plan and see that each Group or Department Head takes such action as is necessary to achieve its objectives. The Plan shall be implemented consistent with the law and other mandated requirements, and each Group Administrator or Department Head shall report to the Board of Supervisors at a public hearing, annually on its progress in implementing and achieving the objectives outlined in this Plan.

County of San Bernardino Groups and/or departments will develop and implement departmental EEO Plans consistent with and supportive of this Plan. Each Group Administrator or Department Head, to facilitate the above provisions, shall appoint a high level manager to serve as the EEO Representative and be charged with the responsibility for effectuating the terms of the Group/Department's EEO Plan and the County's Non-Discrimination/Harassment Policy.

In addition, the San Bernardino County Equal Opportunity Commission (hereinafter referred to as EOC) will monitor, review and make periodic reports to the Board of Supervisors on implementation of the Countywide Plan. This will include monitoring and reviewing the department's efforts and progress in the area of EEO.

COUNTY ADMINISTRATIVE OFFICE
EQUAL EMPLOYMENT OPPORTUNITY
PROGRAM STATEMENT

The County of San Bernardino Board of Supervisors is committed to the implementation of equal employment opportunity where permissible, as a viable means of protecting the rights of its employees and applicants for employment from discrimination and harassment regardless of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, gender or sexual orientation.

We believe in taking the inclusive steps necessary for ensuring fair and equal treatment for persons in all aspects of employment, including recruitment, testing, hiring, promotion, discipline, and all other terms and conditions of employment.

Although, the County's Equal Employment Opportunity Office, under the direction of the EEO Officer for the County, is delegated responsibility for administering this vital program, it is essential that leadership and responsibility for carrying out the County's EEO Program is demonstrated at all levels of management. Therefore, I request the assistance of Department Heads to fully support and execute all aspects of the Equal Employment Opportunity Plan for the County of San Bernardino.

As we enter the millennium, there are two significant trends affecting our workforce, an older population and a more ethnically, racially and culturally diverse population. There is opportunity in the changing nature of our County and State and regardless of the individual differences, there is common ground on issues that affect us all.

As the County Administrative Officer, I strongly assert that diversity in the work force provides valuable varied skills and perspectives that are essential for excellence in serving the needs of a culturally diverse community. This includes ensuring a non-discriminatory workplace where individuals are valued for their differences as well as their similarities.

Let us look forward to making San Bernardino County a place where we all play a part in reaching that common ground.

WILLIAM RANDOLPH
County Administrative Officer

EQUAL EMPLOYMENT OPPORTUNITY PROGRAM AMPLIFICATION

Equal Employment Opportunity is referred to as the "law of the land" wherein every individual has equal rights and access to opportunity. Affirmative action was originally meant to remove by law, as required by the 1964 Civil Rights Act and the Equal Pay Act, "artificial barriers" and "leveling of the playing field" that often prevented women and minority groups from entering the workforce. In November 1996, the California electorate adopted Proposition 209, which amended the California Constitution to prohibit preferential treatment on the basis of race or gender in the operation of public employment, education or contracting and was effected in August 1997. This law provided an opportunity for California municipalities, state and local agencies to evaluate their affirmative action programs and policies, and effect necessary changes.

The State Superior Court rendered a comprehensive decision on Proposition 209. The Court held that equal protection guarantees are not implicated by affirmative government actions that seek to expand employment and other economic opportunities for minorities and women without disadvantaging persons of other racial groups or men. Thus, outreach, monitoring, and recruitment programs and efforts to expand the pool of women and minority applicants are permissible, as is compiling statistics regarding racial and gender composition of an agency's workforce. Establishing contract participation goals for women and minorities in public contracts is also permissible if used as a benchmark of the numbers that would be expected in the absence of discrimination. Further, the elimination of artificial barriers to employment opportunities, the expansion of recruitment activities, and the provision of career counseling and training opportunities for all employees were deemed neutral not preferential.

San Bernardino County was minimally impacted by Proposition 209 based upon an evaluation of its EEO programs and policies. The County is subject to Federal laws that mandate countywide equal employment opportunity programs that supersede State law. Nonetheless, the County has taken this opportunity to affirm its continued support of "equal opportunity" through the adoption of this EEO Plan, the Non-Discrimination/Harassment Policy, and Discrimination/Harassment Prevention Training programs, to promulgate equality, inclusivity and coverage for all qualified to participate in employment, programs, services, activities and business contracts.

The County as an "Equal Employment Opportunity/ADA Compliant Employer," has a zero-tolerance for unlawful discrimination due to age, ancestry, color, race, sex (gender), religion, national origin, marital status, physical or mental disability, medical condition, or sexual orientation unless such practice, process or action is necessary for employment purposes in any practice, process, or action in the work place that works against equality of opportunity and against the ability of each person to be employed and to advance on the basis of merit.

The County also operates on the fundamental basis of Civil Service Merit and in compliance with the Uniform Guidelines on Employee Selection Procedures (as established in 1978 - attached). This application of the guidelines further promulgates the concept of equality and the principle of merit. The Uniform Guidelines were developed by the (federal agencies): U.S. Equal Employment Opportunity Commission, Office of Personnel Management, Department of Justice, Department of Labor and Department of Treasury as a guidance to employers having primary responsibility for the enforcement of Federal equal employment opportunity laws.

This EEO Plan will become effective the date of adoption by the Board of Supervisors, or from July 1, 1999 to July 1, 2001, or until revised. It is the goal to update the EEO Plan every two years. The County's Equal Employment Opportunity Office is delegated responsibility for administering this vital program. It is essential that Agency/Department Heads responsibly execute all aspects of the County's EEO Program within their departments. County employees are charged with the responsibility of adhering to the provisions of the County's EEO Program.

PROGRAM AMPLIFICATION (Continued)

In order to qualify and/or receive Federal grants, this EEO Plan was written to conform to Department of Justice regulations in accordance with 28 CFR Sec. 42.301. The Office for Civil Rights (OCR) "Seven Step Guide to the Design and Development of an Equal Employment Opportunity Plan," was followed by the County.

EQUAL EMPLOYMENT OPPORTUNITY PLAN

The County of San Bernardino Board of Supervisors fully commits to and supports this Countywide EEO Plan. The key elements of the active in-house monitoring system are the County's EEO Office, the Equal Opportunity Commission, and various departmental EEO Representatives.

I. PLAN OBJECTIVES

- To make a good faith effort to achieve diverse employment representation throughout job classes and salary grades in County service.
- To utilize resources that support and enhance employment opportunities regardless of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, sex or sexual orientation.
- To ensure the workplace, programs and services are free of discrimination or harassment.
- To ensure there is no discrimination on the basis of disability in admission or access to, or in operations of, its programs, services or activities.
- To communicate the County's EEO Plan and programs to County employees and the community.
- To treat County employees, applicants and the public with respect and dignity.

II. RESPONSIBILITY FOR IMPLEMENTATION

A. EQUAL EMPLOYMENT OPPORTUNITY OFFICE

The County's EEO Office strives to ensure accessibility to public programs and equal employment opportunities to all County employees and applicants for employment on the basis of merit, and to prohibit discrimination in every phase of personnel policy and practice in employment, development, advancement, or treatment of its employees. The EEO Office will serve as the focal point for all-equal employment opportunity programs and activities and will have the following responsibilities:

1. Plan, coordinate, monitor and evaluate the County's EEO program.
2. Coordinate with the County Administrative Officer, EEO Officer, Human Resources Director, EO Commission, Department Heads and community organizations to achieve the objectives of this program.
3. Report to the County Administrative Officer, EEO Officer, Human Resources Director, and the Equal Opportunity Commission the current status and progress of this program.
4. Assist Department Heads and departmental EEO Representatives in implementing and evaluating departmental EEO Plans in accordance with the County's program.
5. Advise management of new developments in equal employment opportunity and Counsel individuals and groups in matters related to EEO.

EEO PLAN

6. Advise, confer with and provide staff support to the Equal Opportunity Commission and the Commission on the Status of Women.
7. Establish positive working relationships with outside compliance and regulatory agencies by understanding and communicating their requirements and objectives to County departments.
8. Review the weekly job announcements for compliance with applicable Federal and State laws.
9. Review outreach and recruitment efforts, and testing and selection procedures for compliance with principles and practices of equal employment opportunity.
10. May observe and participate in departmental selection interviews.
11. Provide comprehensive training to managers, supervisors and departmental EEO Representatives and committees on requirements of EEO and/or civil rights laws, and sexual harassment.
12. Investigate complaints of discrimination, unlawful employment practice(s) or dysfunctional equal employment activities not in keeping with County policy.
13. Develop internal forms and procedures for handling complaints from employees, applicants for employment, and the public in compliance with the ADA, to assure a comprehensive, well-documented record keeping and follow-up system consistent with Federal and State law.
14. Present a brief overview on equal employment opportunity at the "New Employee Orientation" program and Fundamentals of Supervision training.

B. EQUAL OPPORTUNITY COMMISSION

The Commission was established to monitor and review the County's equal employment opportunity program to ensure it is administered in accordance with the policies established by the Board of Supervisors and to advise the Board of progress in this area. The Commission's major responsibilities, as an advisory body to the Board of Supervisors, are to:

1. Review the County's EEO Plan and recommend changes and/or additions where appropriate.
2. Act as liaison between the Board of Supervisors, County Administrative Officer, Human Resources, and the community on the progress of the County's equal employment opportunity program.
3. Analyze departmental equal employment opportunity programs and report, as appropriate, any concerns to the County Administrative Officer and/or the Board of Supervisors.
4. Recommend to the Board of Supervisors changes in the County's equal employment opportunity policy as deemed necessary.
5. Consult with department and group heads in the implementation of equal employment opportunity programs.

6. Review hiring policies, i.e., recruitment, examination and selection, promotional and upward mobility opportunities.
7. Prepare annual report on the progress of equal employment opportunity programs to the Board of Supervisors.

C. ELECTED OFFICIALS, ASSISTANT COUNTY ADMINISTRATORS AND DEPARTMENT HEADS

Responsibilities of Elected Officials, Assistant County Administrators and Department Heads include:

1. Ensuring that management, supervisory and other employees of their respective groups or departments understand and support and comply with the County's equal employment opportunity program.
2. Developing and ensuring the implementation of a departmental EEO Plan and update as necessary.
3. Keeping apprised of equal employment opportunity policies or legislation.
4. Assisting the Human Resources Department in conducting or planning outreach recruitment efforts by identifying special recruitment resources.
5. Appointing a departmental EEO Representative.
6. Advising supervisory and management personnel that an element of their work performance evaluation is their effort in the area of equal employment opportunity.
7. Making a good faith effort to achieve a diverse departmental work force.
8. Acting promptly on any discrimination complaints and cooperating with EEO Office investigations.

D. DEPARTMENTAL EEO REPRESENTATIVE

Each Group/Department appoints an EEO Representative. EEO Representatives are charged with the following responsibilities:

1. Remain abreast of new laws, guidelines, regulations and programs related to equal employment opportunity by participating in local seminars and training programs.
2. Keep top-level management and supervisors within the department aware of progress and performance towards meeting departmental equal employment opportunity priorities.
3. Coordinate outreach recruitment efforts with the Human Resources Department.
4. Assist in the investigation and resolution of discrimination complaints filed against the department.
5. Periodically revise, review and evaluate departmental EEO Plan and program.

6. Identify and report operational problems and deficiencies to the department head and/or EEO Office.
7. Provide counseling, advice and guidance to individuals and groups within the department in matters related to equal employment opportunity.

E. DEPARTMENTAL EQUAL EMPLOYMENT OPPORTUNITY COMMITTEE

Individual departments initiate EEO Committees. Committee members serve at the pleasure of the appointing authority and/or on a volunteer basis.

III. HUMAN RESOURCES

A. EMPLOYEE RELATIONS DIVISION

The Employee Relations Division is responsible for labor negotiations; discipline and grievance administration; compensation administration; and administration of the Memoranda of Understanding (MOU), Personnel Rules, and employment laws, policies and procedures.

1. The Employee Relations Division will review all contractual provisions, seniority practices, and seniority clauses in collective bargaining contracts to ensure that such practices or clauses are not discriminatory and do not have a discriminatory effect.
2. The Employee Relations Division shall meet periodically with the employees' association and/or union representatives to reaffirm their equal employment opportunity responsibilities and to request their cooperation.
3. No agreement will be reached with collective bargaining groups that are in conflict with equal employment opportunity policies and programs of the County.
4. The Grievance Procedure will ensure a systematic and consistent process for obtaining fair and proper findings and decisions regarding employee grievances.
5. Each County employee will be informed of their potential personal liability should they fail to follow the Personnel Rules and policies established to effectuate the purpose of this Plan.
6. Any County official or employee found not in compliance with the Board of Supervisors' or County Administrative Officer's equal employment opportunity directives will be appropriately disciplined through formal reprimand and/or penalty after proper hearing and notice per Memoranda of Understanding or Exempt Compensation Plan.
7. The San Bernardino County Personnel Rules contain a non-discrimination clause making it unlawful to grant any special consideration, treatment, or advantage to any person beyond which is available to every other person in similar circumstances, as it relates to Title VII of the Civil Rights Act and the State Fair Employment and Housing Act.

8. Also incorporated into the Personnel Rules is a clause indicating that an employee with regular status in the Classified Service may be demoted, suspended, reduced in salary step, or dismissed for "Failure to cooperate with the implementation and application of the Equal Employment Opportunity Plan (formerly Affirmative Action Plan)."

B. EMPLOYMENT/JOB EVALUATION

This division provides qualified people for County employment, ensures equal employment opportunity and compliance with the merit system and establishes and maintains the County's classification system. As such, it conducts job analyses, prepares job announcements, and develops and administers employment examinations. It also develops and evaluates test questions for a computerized item bank (WRIB), which is used to prepare test materials. This service is also available to other public agencies nationwide.

1. Recruitment (Amplified in Section IV Community Outreach Recruitment)

- a) Human Resources Analysts responsible for recruiting and testing will tailor recruitment plans to meet equal employment opportunity needs for each classification and/or department, as requested, or as needed.
- b) Job vacancies when appropriate, may be advertised in media and community locations that will reach underrepresented groups.
- c) Staff may attend career days/fairs at colleges and/or universities to provide recruitment information to minorities, women and the disabled who are acquiring the skills necessary for professional and technical positions.
- d) Recruiting efforts will concentrate on local colleges with high female attendance, and particular emphasis will be placed on recruiting women for non-traditional jobs, such as those found in the skilled trades, safety, and management groups. No job title will be published which contains the wording "man" or otherwise designates gender preference.
- e) Recruiting efforts may include attempts to solicit applications from outlying areas of the County as appropriate, and may include establishment of special recruitment efforts in areas of high unemployment or areas of high employment availability.
- f) Employment applications include the statement, "An Equal Opportunity and ADA Compliant Employer."

2. Sources of Recruitment

- a) Unless current County employment has been justified as a bona fide occupational qualification or to avoid layoff, all recruitment will be conducted on an open-competitive basis.
- b) The Human Resources Department will only utilize recruitment sources that support the principles of equal employment opportunity.

- c) Where feasible, national, regional and local publications specifically designed for the recruitment of minority professional, management, and college graduates will be utilized as an advertising source.

3. **Examinations**

- a) The Human Resources Department will continue to evaluate the total selection process, including application forms, interviewing procedures, test administration, test validity, referral procedures, and the final selection process, to strengthen job relatedness and validity, and to aid equal employment opportunity goals and objectives.
- b) No examinations will be issued without prior analysis of the duties and responsibilities of the position and the establishment of minimum job related qualifications, testing requirements and procedures, and the elimination of artificial barriers in the recruitment/selection process.

4. **Written Tests**

- a) The use of valid written examinations will be reemphasized.
- b) Cut-off or pass points will be set on written examinations cognizant of the impact of the overall selection process on minorities and women.

5. **Oral Interviews**

- a) Prior to serving on an oral board, all panelists must read the oral examination manual and be thoroughly oriented on how to administer an oral examination.
- b) Any oral board rater not in compliance with personnel interviewing procedures, or the spirit or intent of the EEO program, will not be allowed to participate in future oral boards.
- c) No oral board will convene without serious effort to include minorities and/or women to have a balanced panel of three raters per board.
- d) No oral board should convene without a briefing by the Human Resources staff that shall include, at minimum, key elements of the EEO program and the rater's role in this process.
- e) All oral examinations will be structured according to job dimensions developed during the job analysis, and will be limited to skills, knowledge and abilities necessary for the position.

6. **Certification**

- a) Every appointing authority is encouraged to interview all candidates referred on the certification list to ensure equal employment opportunity for all.
- b) Determination of those referred will be made on the basis of an attained score but will be listed alphabetically. Specific grades will not be released to departments or to candidates.

- c) In any open examination, ten (10) grade points shall be added to the final examination grade for any successful (achieved a passing grade) applicant who is not currently a County employee and has served in any division of the United States armed forces in time of war, and who has a service-connected disability rating of not less than ten percent (10%) by an authorized agency in the U. S. Government. Any applicant seeking the benefits of this section must submit proof of eligibility at the time of application.
- d) In any open examination, five (5) grade points shall be added to the final examination grade for any successful applicant who is not currently a County employee and who is the spouse of any such United States veteran honorably separated from the service who, while in service in time of war, was disabled or crippled, thereby being prevented permanently from engaging in a remunerative occupation, or is the widow(er) of any such veteran who died or was killed in such service and who has not remarried. Any applicant seeking the benefits of this section must submit proof of eligibility at the time of application.

7. Job Evaluation

- a) In accordance with the EEO Plan, the Department of Human Resources initiated a cyclical study of all positions in the County by representation unit. This classification review was completed in 1980 and included all jobs in the Professional and Professional Preparatory Unit; Technical and Inspection Unit; Crafts, Labor and Trades Unit; Safety Unit; Safety Management and Supervisory Unit; and Clerical Unit. The study findings were implemented over a number of years from 1975 to 1980. Career ladders and lattices were identified, job titles were changed to eliminate references to gender and age, job related qualifications were established, trainee/entry level classes were created, and positions were allocated to a classification based on the duties being performed.
- b) Position classification activities are and will be conducted in a manner which in no way discriminates on the basis of race, sex, color, religion, national origin, age, marital status, disability, medical condition, or sexual orientation.
- c) Position classification activities will continue to revise the classification plan to adhere to principles of equal employment opportunity, and actively seek to determine new class concepts to facilitate the implementation of the EEO Plan.

C. ORGANIZATIONAL AND EMPLOYEE DEVELOPMENT

Organizational and Employee Development (OED) is charged with developing and administering state-of-the art training to create a County work force that is prepared to meet the challenges of the future. In addition to a Countywide training program for executives, managers, supervisors and support staff, the program also administers the award-winning Management Leadership Academy (MLA) and the County strategic planning training efforts.

OED is responsible for administering the tuition reimbursement program and the annual Awards for Excellence Program.

1. **Education Policy**

- a) **Purpose** - The County of San Bernardino encourages employees to further their self-development, to increase their capabilities and value to the County and community by assisting them to obtain job-related training during working hours and advancement training and education experiences on the employee's own time.
- b) **Funding Sources** - The amount of reimbursement will be as provided in the Memorandum of Understanding for specified occupational groups. Required training that is department initiated may be recommended for reimbursement at one hundred (100%) percent.
- c) **Required Training** - The Board of Supervisors supports that County employees enroll in the following County-managed training:
 - Orientation
 - Public Contact and Interpersonal Relations
 - Communications
 - Cultural Diversity
 - Sexual Harassment Prevention

Management and Supervisory employees are required to enroll in the following County-sponsored courses (all new supervisors must take supervisory training as soon as possible; however, no later than one year):

- Supervisory and/or Middle Management Training
 - Performance Evaluation Workshop
 - Cultural Diversity
 - Sexual Harassment Prevention
 - Other training may be required, such as refresher courses
- d) **Employee Eligibility**

Eligibility for use of training funds shall be determined per the current Memorandum of Understanding. All courses or educational programs supported or assisted by the County must have relevant bearing on the employee's effective performance on present or future assignments or for a position for which the employee is in training or has reasonable expectation of attainment.
 - e) **Operational Requirements**

An "Educational Assistance Proposal" form is required for each request. "Educational Assistance Proposals" will be prepared by the employee, reviewed and recommended by the immediate supervisor of the employee, the departmental training officer, if there is one, and the Group/Department Head.
 - f) **Orientation**

Orientation sessions for all employees include a presentation by the EEO Office on the County's EEO Plan, Non-discrimination/Harassment Policy, and the Complaint Resolution Procedure.

g) **Other Training and Participation**

OED will continue to cooperate with and influence colleges and universities in our area to offer courses and programs needed and suitable for our employees. OED will encourage managers and supervisors to foster the participation of all employees where there is under-utilization in training courses.

2. **Career Development Training**

Career development is a key to effective EEO progress. It is a planned, organized process that begins at the time of an employee's appointment and continues as long as the employee is with the organization. It is a plan whereby the employee's job performance, objectives and career goals are anticipated and integrated with the goals of the organization. The employee sets out to obtain such objectives with help and encouragement from immediate supervisors, department management and the County.

- a) Career development encompasses many varied work experiences, training and educational activities. It often begins with the supervisor as a trainer assisting the employee in mastering primary skills of the job. As the employee moves up a career ladder, he or she assumes more responsibility for structuring the kinds of development activities that will lead toward meeting job performance and career goals.
- b) Different employee goals require varying experiential responses. These may include a wide variety of training situations: rotation, lateral assignments, task force opportunities, reading assignments, classes or courses.
- c) Departments are encouraged to develop their own methodologies for implementing the concepts and goals of career development planning.
- d) The Human Resources Department has the responsibility for:
 - 1. Assisting in finding and/or developing resources for training and education.
 - 2. Helping departments in meeting their training needs which may include providing training workshops by consultants, fostering increased awareness of training and education as a management tool.

3. **Reporting**

Groups/Departments are expected to keep records of their training and developmental activities so that they may contribute toward an annual Countywide report to be submitted to the County Administrative Office and the Board of Supervisors. The record should include:

- a) type of training, scheduling and duration;
- b) employees participating;
- c) hours of training or instruction in class or in preparation; and
- d) costs.

D. CENTER FOR EMPLOYEE HEALTH AND WELLNESS

Supports individuals and organizations in increasing their effectiveness through activities that build a healthy, proactive, and highly skilled workforce committed to excellence, reflecting the diversity and talent in our community. They maintain the highest standard of professional conduct, act with respect, consideration and confidentiality, ensure individual and collective responsibility for results and commitment to excellence in customer service, and seek to create with their clients innovative solutions in the area of human resources.

IV. COMMUNITY OUTREACH RECRUITMENT

Periodically the Employment Division and/or EEO Office may attend career job fairs at colleges, universities or other special events. Specific recruiting needs based on a comparison of labor force availability and the County's utilization of protected classes are identified. Underutilized protected classes once identified may be targeted for recruitment purposes. Information and guidance to students seeking careers in various occupations within the County is provided. The Employment Division will include recruitment mailings to minority and female organizations in an effort to provide a greater opportunity for employment with the County of San Bernardino.

Included in the Exhibits is a listing of educational facilities, publications, and Internet sites for recruitment/outreach of protected classes and a listing of agencies/organizations that receive employment opportunity announcements.

V. UNIFORM GUIDELINES – LABOR MARKET DATA

Metropolitan area (MA) is one of a large population nucleus, together with adjacent communities that have a high degree of economic and social integration with that nucleus.

Each MA must contain either a place with a minimum population 50,000 or a Census Bureau-defined urbanized area and a total MA population of at least 100,000. An MA comprises one or more counties. An MA may also include one or more outlying counties that have close economic and social relationships with the central county. An outlying county must have a specified level of commuting to the central counties and also must meet certain standards regarding metropolitan character, such as population density, urban population, and population growth.

Primary Metropolitan Statistical Areas (PMSA) - If an area that qualifies as an MA has more than one million persons, primary metropolitan statistical areas (PMSA) may be defined within it. PMSAs consist of a large urbanized county or cluster of counties that demonstrate very strong internal economic and social links, in addition to close ties to other portions of the larger area. When PMSAs are established, the larger area of which they are component parts is designated a consolidated metropolitan statistical area (CMSA).

Metropolitan Statistical Area (MSA) - Metropolitan statistical areas (MSAs are relatively freestanding MAs and are not closely associated with other MAs. Non-metropolitan counties typically surround these areas.

VI. COMPLIANCE WITH EMPLOYMENT/ACCESSIBILITY LAWS

A. FEDERAL LAWS

- **Civil Rights Act of 1964** - Title VII prohibits employment discrimination in hiring, compensation, and terms, conditions, or privileges of employment based on race, religion, color, sex, or national origin.
- **Executive Order 11246** - Prohibits discrimination on the basis of race, religion, color, and national origin, by federal agencies as well as those working under federal contracts.
- **Executive Order 11375** - Added sex-based discrimination to E.O. 11246.
- **Age Discrimination in Employment Act of 1967** - Protects employees 40-65 years of age from discrimination. Later amended to age 70 (1978), then amended (1986) to eliminate the upper age limit altogether.
- **Executive Order 11478** - Amends part of E.O. 11246, states practices in the federal government must be based on merit; also prohibits discrimination based on political affiliation, marital status, or physical handicap.
- **Equal Employment Opportunity Act of 1972** - Empowered the EEOC.
- **Vocational Rehabilitation Act of 1973** - Prohibits employers who have federal contracts greater than \$2,500 from discriminating against individuals with handicaps racial minorities, and women.
- **Vietnam Veterans Readjustment Act of 1974** - Provided for equal employment opportunities for Vietnam War veterans. Administered and enforced by the Officer of Federal Contract Compliance.
- **Pregnancy Discrimination Act of 1978** - Afforded EEO protection to pregnant workers and requires pregnancy to be treated like any other disability.
- **Americans with Disabilities Act of 1990** - Prohibits discrimination against an essentially qualified individual, and requires enterprises to reasonably accommodate individuals.
- **Civil Rights Act of 1991** - Nullified selected Supreme Court decisions. Reinstates burden of proof by employer. Allows for punitive and compensatory damages through jury trials.
- **Family and Medical Leave Act Of 1993** - Permits qualifying employees in organizations of fifty or more workers to take up to twelve weeks of unpaid leave for family or medical reasons each year.

B. STATE LAWS

- **Fair Employment and Housing Act** - Prohibits employment bias on the basis of race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including sexual harassment), or age.

- **California Civil Rights Initiative-Proposition 209** - Amended the California Constitution to prohibit public entities from using race, sex, color, ethnicity or national origin as a basis for either discriminating against, or granting preferential treatment to any individual or group in the operation of the State's system of public employment, public education, or public contracting.
- **The California Family Rights Act of 1991 (CFRA)** - Generally provides that eligible employees have the right to take family care leave for up to 12 weeks in a 12 month period in connection with either the birth of the employee's child, the adoption of a child by the employee, or the serious illness of the employee, employee's child; or to care for the employee's parent or spouse who has a serious medical condition.
- **Pregnancy Disability Leave (PDL)** - Allows for up to four months of leave for a pregnancy-related medical disability.

C. UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES

The Uniform Guidelines on Employee Selection Procedures were issued by the Federal agencies having primary responsibility for the enforcement of Federal EEO laws, to establish a uniform Federal government position. They became effective on September 25, 1978.

These guidelines affect virtually all phases of human resources because they apply to tests and other selection procedures used in making employment decisions, including but not limited to:

- Hiring
- Promotions
- Recruiting
- Demotion
- Performance Appraisal
- Training
- Licensing and certification requirements

The guidelines apply to most employment-related decisions, not just to the initial hiring process. Within the guidelines two major means of compliance are identified: (1) "no adverse impact" strategy, and (2) job-related validation strategy.

D. MATERNITY/FAMILY/MEDICAL LEAVE

1. Maternity or maternity-related leave requests will be treated as any other temporary disability or leave of absence. Determination of appropriate work return and leave dates will be left to the discretion of the employee and their physician.
2. Upon return to work, such employee will be reinstated to their original job, or to a position of like pay and status, without loss or penalty, subject to the lay-off provision of the Memoranda of Understanding. An employee disabled because of pregnancy shall be afforded the appropriate levels of paid and/or unpaid leave in accordance with Federal and State laws.
3. Employees are eligible for leave under the provisions of the Family and Medical Act of 1993 after having worked at least 1,250 hours over the previous 12 months.

EEO PLAN

4. Employees must provide "reasonable advance notice" if the need for leave is foreseeable.
5. Family leave time may be used incrementally or in the form of a reduced work schedule up to the maximums allowed by Federal and State laws.
6. The reasons for family leave include:
 - a) Birth of an employee's child.
 - b) Placement of a child with employee for adoption or foster care.
 - c) Care of employee's child with serious illness.
 - d) Care of employee's parent or spouse with serious health condition.
 - e) Serious health condition that makes an employee unable to perform the functions of their position.
7. Sick leave may only be used by agreement of the employer and employee. The employer may elect or may require, or the employee may elect, to use other accrued leave, such as vacation or personal leave.
8. The employee has the right to reinstatement to "same or comparable" position, pursuant to the State, Federal laws and the applicable Memoranda of Understanding.

E. BILINGUAL SKILLS UTILIZATION

In order to effectively provide the same level of service to the non-English speaking citizens of San Bernardino County and in compliance with the Dymally-Alatorre Bilingual Services Act, it is necessary that many County forms, procedures, materials, signs, etc. be available in non-English languages spoken by a substantial number of the public served by a department.

Employees in positions designated by the appointing authority which require employees as a condition of employment to perform bilingual translation as a part of their regular duties, shall be entitled to bilingual compensation. Such compensation shall apply regardless of the total time required per day for such translation. Employees in such positions must be certified as competent in translation skills by Human Resources to be eligible for compensation. There are three levels of competency certification solely determined and administered by Human Resources: verbal skill level, written skill level, and technical skill level.

VII. INTERNAL RECORD-KEEPING

On a quarterly basis, a series of reports will be generated which will present the following information: current ethnic and gender utilization by classification, occupational group, employment status, and salary level within the total County, and each department and group. The EEO Office will distribute these reports to departments for information and reporting purposes.

EEO – 4 Federal Report – In compliance with Federal requirements, this report is completed every other year as mandated.

VIII. MEDICAL STANDARDS

County pre-employment medical standards have been revised to conform to pertinent Federal and State regulations governing the employment of physically disabled individuals. In support of this policy, the County's Chief of Clinical Operations will ensure that no qualified person be denied employment due to a disability. In every case, an individual will be evaluated on the essential functions for a particular position and not on a generalized basis.

IX. EMPLOYMENT OF PERSONS WITH ARREST OR CONVICTION RECORDS

In recognition of the impact on equal employment opportunity, the Human Resources Department has issued guidelines on employment of persons with arrest and conviction records. The Board of Supervisors herein reaffirms its support of programs that attempt to treat ex-felons as individuals without bias unless necessitated by the job requirements.

In support of this policy, the County of San Bernardino is committed to the concept of equal employment opportunity as a necessary element of basic merit system principles. If equal opportunity is to be achieved, each employee must share the responsibility of equal employment opportunity to eliminate any barriers to the full participation of all groups within the workforce of the County and at all levels of employment.

X. COMPLAINT RESOLUTION PROCEDURE

A comprehensive, systematic, and equitable process for resolving complaints of discrimination, unlawful employment practice(s), or dysfunctional equal employment opportunity activities has been developed by the Equal Employment Opportunity Office and adopted by the Board of Supervisors. It is believed the Complaint Resolution Procedure includes the necessary elements necessary for an internal complaint procedure required by the Equal Employment Opportunity Commission (EEOC). The County believes these procedures will dramatically strengthen and effectuate the County's Equal Employment Opportunity Plan.

XI. GLOSSARY

1. **Americans With Disabilities Act (ADA)** - Passed in 1990, it prohibits discrimination against individuals with disabilities in all aspects of employment, services rendered, activities and benefits.
2. **Availability** - An estimate of the proportion of each gender and ethnic category qualified for employment in a given job group in the relevant labor market by County.
3. **Bias** - A mental leaning or inclination and/or partiality.
4. **Board** - Elected members of the County of San Bernardino Board of Supervisors.
5. **Cultural Diversity** - A concept and training philosophy aimed at understanding, respecting and learning to develop an appreciation for the experiences, values and viewpoints that diverse employees bring to an organization thus creating a work environment that will allow each individual to realize his/her full potential in pursuit of the County's objectives.
6. **Current Utilization (Work Force Analysis)** - Present gender and race/ethnic composition of the County work force.

7. **Departmental Equal Employment Opportunity Representative** - Employee designated by Department Head that has responsibility for coordinating and monitoring equal employment opportunity efforts in corresponding department or group.
8. **Disability** - A physical or mental impairment that substantially limits major life activities.
9. **Discrimination** - Any act or practice resulting in adverse treatment of any person on the basis of age, ancestry, color, marital status, medical condition, national origin, physical or mental disability, race, religion, sex or sexual orientation.
10. **Discrimination Complaint** - A complaint filed with the County's EEO Office alleging discrimination, unlawful employment practice(s), or dysfunctional equal employment activities.
11. **Employment Standards** - Education, experience skills, knowledge and abilities required for performance of a particular job.
12. **Equal Employment Opportunity** - The right for all persons to work and to advance on the basis of merit, ability, and performance.
13. **Equal Employment Opportunity Plan** - A written document in which the composition of the agency/department's workforce is analyzed and a plan of affirmative (positive) action to remedy situations of underrepresentation is set forth. This Plan includes objectives, steps to achieve objectives, and specific responsibilities.
14. **Equal Opportunity Commission** - Advisory body to the Board of Supervisors, Assistant County Administrator for General Services Group and County Department Heads regarding equal employment opportunity policy and practice. The Board of Supervisors appoints members.
15. **Goal** - Broad employment statistical numbers by job group that the County targets for achievement in correcting identified underutilization.
16. **Job Group** - Groups of job classifications that are similar in terms of content, pay and opportunity.
17. **Oral Board** - A panel of usually three individuals (culturally diverse) that are subject matter experts and not appointing authorities, who interview and rate candidates' performance in a structured oral examination developed and administered by Human Resources.
18. **Reasonable Accommodation** - Any change or adjustment to a job or work station that permits a qualified applicant or employee to participate in the job process, to perform the essential functions of a job, or to enjoy the benefits and privileges of employment equal to those enjoyed by employees without disabilities.
19. **Underutilization (underrepresentation)** - Situation existing when the present gender and ethnic composition of the workforce does not reflect the number of qualified ethnic minorities, males and females in the labor market (SMSA-PMSA).
20. **Utilization Analysis** - The Utilization Analysis is a report of the County's workforce by occupational unit and the numerical representation of women and minorities by County departments. The Utilization Analysis can identify areas of underutilization in comparison to the availability in the local labor force or the SMSA (Standard Metropolitan Statistical Area – San Bernardino and Riverside) and is based on the 1990 Census.

XII. STATISTICAL WORKFORCE CHARTS

The statistical analysis of total workforce by job category is a report of the County's workforce by job category as defined by the U.S. Department of Justice occupational units. Each job category is broken down by gender within each racial, color, and national origin group. The statistics are then converted into percentages and reflect the portion of employees in each job classification of a given race/sex/national origin. The utilization analysis compares the County's total workforce with the Community Labor Statistics (CLS) for the Riverside-San Bernardino Primary Metropolitan Statistical Area (PMSA) which is based upon the 1990 census. The CLS is similarly broken down by gender within each racial, color, and national origin group and reflects the County's hiring pool. The percentages were converted in the same manner as the total workforce chart. The figures in the analysis were determined by subtracting the percentages obtained from the CLS from the total workforce analysis. The process was repeated for all categories. The analysis can identify if, and in what job categories, women and/or minorities (cross classified by gender) are underrepresented in the County's workforce.

XIII. UTILIZATION ANALYSIS NARRATIVE

This narrative provides an interpretation of the utilization analysis chart. In addition, it identifies areas of concern where there is a significant underutilization of women and/or minorities (cross classified by gender) that per the U.S. Department of Justice defined job categories. Also considered was the statistical information contained in the chart that provides the breakdown of the total County workforce by comparable job categories. The areas of concern addressed below were identified if the difference between the current workforce and the available community workforce was greater than a percentage point. These will be considered the target populations.

Hispanic males and females are currently underrepresented in the Official/Administrator and Service/Maintenance job levels. Hispanic males are also currently underrepresented in the Professional, Technician, Skilled Craft, and Office/Clerical job levels. Hispanic females are currently underrepresented in the Para-Professional and Service/Maintenance job levels.

Asian males are currently underrepresented in the Technician and Office/Clerical job levels. Asian females are currently underrepresented in the Technician and Para-Professional job levels.

Black males are currently underrepresented in the Protective Services and Office/Clerical job levels.

White females are currently underrepresented in the Para-Professionals, Skilled Craft, and Service/Maintenance job levels.

None of the underutilization identified above is insurmountable and there are no permanent obstacles to attaining utilization and/or parity in the County of San Bernardino's workforce. It is the overall goal of the County of San Bernardino to obtain a diverse workforce reflective of its community. The County of San Bernardino will continue to review its recruitment, hiring, and promotional policies and procedures to ensure equality of opportunity.

The following Utilization Analysis Chart is provided as noted.

San Bernardino County
UTILIZATION ANALYSIS
As of June 29, 1999

		MALE					FEMALE				
JOB GROUP CATEGORY		White	Black	Hispanic	Asian	American Indian	White	Black	Hispanic	Asian	American Indian
(CLS = Community Labor Statistics)*											
OFFICIALS/ADMINISTRATORS											
Workforce #/%		49.41%	2.84%	5.20%	1.89%	0.47%	33.10%	3.78%	2.60%	0.24%	0.47%
CLS #/%		50.90%	2.20%	8.90%	2.20%	0.40%	27.20%	1.90%	4.70%	1.20%	0.30%
Utilization %		-1.49%	0.64%	-3.70%	-0.31%	0.07%	5.90%	1.88%	-2.10%	-0.96%	0.17%
PROFESSIONALS											
Workforce #/%		23.47%	2.18%	3.32%	2.23%	0.26%	42.94%	9.87%	8.41%	5.87%	1.45%
CLS #/%		37.30%	2.60%	5.20%	2.90%	0.30%	38.90%	3.60%	6.20%	2.70%	0.30%
Utilization %		-13.83%	-0.42%	-1.88%	-0.67%	-0.04%	4.04%	6.27%	2.21%	3.17%	1.15%
TECHNICIANS											
Workforce #/%		16.78%	2.81%	5.59%	0.94%	0.26%	42.50%	10.42 %	18.94%	1.19%	0.57%
CLS #/%		48.30%	3.00%	9.60%	3.40%	0.30%	24.10%	3.10%	5.60%	2.30%	0.30%
Utilization %		-31.52%	-0.19%	-4.01%	-2.46%	-0.04%	18.40%	7.32%	13.34%	-1.11%	0.27%
PROTECTIVE SERVICES											
Workforce #/%		65.34%	4.20%	14.56%	1.29%	1.02%	9.95%	1.29%	2.10%	0.14%	0.14%
CLS #/%		58.90%	8.70%	14.30%	1.30%	1.30%	9.90%	2.10%	2.90%	0.30%	0.10%
Utilization %		6.44%	-4.50%	0.26%	-0.01%	-0.28%	0.05%	-0.81%	-0.80%	-0.16%	0.04%
PARA-PROFESSIONALS											
Workforce #/%		26.32%	5.82%	7.49%	1.47%	0.56%	35.07%	10.88 %	10.27%	1.72%	0.40%
CLS #/%		6.10%	2.00%	3.20%	1.20%	0.00%	49.40%	9.40%	23.10%	4.60%	0.90%
Utilization %		20.22%	3.82%	4.29%	0.27%	0.56%	-14.33%	1.48%	-12.83%	-2.88%	-0.50%
OFFICE/CLERICAL											
Workforce #/%		2.43%	0.78%	1.90%	0.37%	0.03%	52.27%	11.38 %	27.77%	2.33%	0.75%
CLS #/%		16.50%	2.20%	5.70%	1.40%	0.20%	50.50%	5.30%	14.80%	2.60%	0.50%
Utilization %		-14.07%	-1.42%	-3.80%	-1.03%	-0.17%	1.77%	6.08%	12.97%	-0.27%	0.25%
SKILLED CRAFT											
Workforce #/%		71.13%	4.47%	17.87%	2.06%	0.69%	1.37%	1.37%	0.69%	0.00%	0.34%
CLS #/%		62.50%	3.10%	25.70%	1.60%	0.90%	3.90%	0.30%	1.60%	0.20%	0.10%
Utilization %		8.63%	1.37%	-7.83%	0.46%	-0.21%	-2.53%	1.07%	-0.91%	-0.20%	0.24%
SVCS/MAINTENANCE											
Workforce #/%		37.82%	13.46 %	18.27%	1.12%	96.00%	11.22%	6.57%	9.46%	0.96%	0.16%
CLS #/%		32.00%	3.90%	29.20%	1.80%	0.60%	16.10%	1.80%	12.70%	1.40%	0.30%
Utilization %		5.82%	9.56%	-10.93%	-0.68%	95.40%	-4.88%	4.77%	-3.24%	-0.44%	-0.14%

XIV. OBJECTIVES AND STEPS TO ACHIEVE OBJECTIVES

A. OBJECTIVES

This section of the EEO Plan identifies specific objectives that support the County's commitment to make its workforce more reflective of the currently available community labor data. There is a greater underutilization of Hispanic males across six job group categories in the County of San Bernardino's workforce. It is the County's objective to more specifically evaluate the underutilization by department and classification and objectively increase this representation by reviewing recruitment, selection, and promotional practices to ensure that all are receiving equal opportunity to advance, particularly Hispanic males and females and White females.

B. STEPS TO ACHIEVE OBJECTIVES

This section of the EEO Plan identifies the specific steps that will be taken to reach its Plan objectives. A review of recruitment efforts, selection processes and applicant flow data will aid in identifying areas that may be disproportionately eliminating protected groups. To address those identified areas of underutilization in the County's workforce; the County will make every effort to target the local schools, colleges, universities and training institutions attached. Outreach efforts with those institutions will be to encourage students to pursue the appropriate coursework in order to enter the identified career fields and to provide employment opportunity information.

In addition, advertisements will be published in the local minority newspapers. Technology will also play a part in reaching a larger applicant pool. Continuing to expand the use of the Internet and the County's web homepage should become part of each recruitment plan.

To encourage internal upward mobility, County departments are encouraged to develop a mentor program to foster interest and assist candidates in developing the skills and abilities necessary to compete for promotional opportunities.

XV. EEO PLAN DISSEMINATION

A. INTERNAL

1. The EEO Plan, upon adoption by the Board of Supervisors, is distributed to all Group/Department heads for further dissemination to managers, supervisors and employees within their departments.
2. Each new employee participates in a "New Employee Orientation" program and is provided a copy of the County's Non-Discrimination/Harassment Policy and the Complaint Resolution Procedure.
3. All departments are required to post a copy of the County's Non-Discrimination/Harassment Policy.
4. A briefing conducted by the Equal Employment Opportunity Staff on the County's policies and the EEO Plan is incorporated into the existing supervisory and management training course, "Fundamentals of Supervision" offered by Organization and Employee Development.

B. EXTERNAL

1. The EEO Plan, upon adoption by the Board of Supervisors, will be made available to the public for review by the County's EEO Office if requested.
2. The County's Non-Discrimination/Harassment Policy and Complaint Resolution Procedure is available to employees, applicants for employment, and the general public.
3. Employment announcements contain the phrase: "An Equal Opportunity and ADA Compliant Employer".
4. The Purchasing Department or Office of Small Business Development notifies all contractors, subcontractors, vendors and suppliers maintaining contracts with the County of San Bernardino of compliance requirements of the County's EEO Plan.
5. Memoranda of Understanding with the various bargaining employee unions contain non-discrimination provisions and statements supporting implementation of the County's EEO Plan.

XVI. EXHIBITS

EXHIBIT I	COMPLAINT RESOLUTION PROCEDURE
EXHIBIT II	NON-DISCRIMINATION/HARASSMENT POLICY
EXHIBIT III	CIVIL RIGHTS SEVEN-STEP GUIDE – EEO PLAN *
EXHIBIT IV	EDUCATIONAL FACILITIES, PUBLICATIONS AND INTERNET SITES FOR RECRUITMENT/OUTREACH OF PROTECTED CLASSES AND OF AGENCIES THAT RECEIVE EMPLOYMENT OPPORTUNITY ANNOUNCEMENTS
EXHIBIT V	UNIFORM GUIDELINES ON EMPLOYEE SELECTION PROCEDURES *
EXHIBIT VI	EOC ORDINANCE *
EXHIBIT VII	EOC BYLAWS *

* Note: Copies of these EXHIBITS available from the EEO Office by calling 909/387-5582.

EXHIBIT I

COUNTY OF SAN BERNARDINO
COMPLAINT RESOLUTION PROCEDURE

Any employee or applicant for employment may file a written complaint of employment discrimination, hereinafter referred to as *complaint*, alleging discrimination or unlawful employment practice(s), hereinafter referred to as *unlawful employment practice*, with the County's Equal Employment Opportunity (EEO) Office, the State Department of Fair Employment and Housing (DFEH), or the Federal Equal Employment Opportunity Commission (EEOC).

The EEO Office is authorized by the Board of Supervisors to conduct a thorough and objective review of all circumstances relating to complaints of discrimination which may require, as part of the investigation, interviewing persons knowledgeable of any aspect of a complaint. The cooperation of witnesses is necessary in order to assist the EEO Office in determining the facts.

PROCEDURES FOR RESOLVING AN UNLAWFUL EMPLOYMENT PRACTICE

The EEO Office may initiate an investigation when an alleged unlawful employment practice is brought to its attention. The EEO Office will investigate a complaint of alleged sexual harassment regardless of whether formal complaint is filed.

The EEO Analyst, in investigating a complaint of discrimination, acts as an independent and neutral fact-finder in determining the merits of a complaint based on witness testimony, documentation, or any other evidence deemed appropriate.

The activities of an EEO Analyst, in providing complaint resolution assistance, are conducted confidentially and disclosed only as the process warrants. EEO Analysts shall hold confidential any information acquired in the regular performance of their duties.

A. INVESTIGATIONS WHERE NO COMPLAINT IS FILED:

An investigation may be initiated when an alleged unlawful employment practice is brought to the attention of the EEO Office.

1. When it appears an unlawful employment practice has been committed, an EEO Analyst may investigate the alleged unlawful employment practice in cooperation with the departmental Human Resources Officer or EEO Representative where one is assigned by the department.
2. The EEO Analyst, when necessary, may request the attendance of any party or witness, or require the production for examination of any personnel or payroll records, correspondence, documents, papers, books or other evidence relating to the matter under investigation.
3. The department head has the right to receive any and all information developed during the investigation upon completion of the investigative process. However, if the department head is the alleged violator, the information shall be provided to the next higher level of authority in the chain of command.

B. INVESTIGATION OF A COMPLAINT FILED WITH THE EEO OFFICE:

An employee or applicant for employment claiming to be aggrieved by an alleged unlawful employment practice may complete, sign and file with the EEO Office a written complaint.

An employee claiming he/she is discharged, expelled, or otherwise discriminated against by an appointing authority because he/she files a complaint, testifies, or assists in any proceeding, may complete, sign and file with the EEO Office a written complaint.

1. Complaint Form

- a) An employee or applicant for employment is scheduled to complete an official complaint form and meet with an Equal Employment Opportunity Analyst to discuss the alleged unlawful employment practice. If it is determined from the information presented that a complaint falls within the purview of EEO, an investigation is initiated.
- b) The complaint form is completed, signed and verified by the complainant and filed with the EEO Office at 157 West Fifth Street, San Bernardino, CA 92415-0440.
- c) The complaint shall include the following:
 - 1. Full name and address of the complainant.
 - 2. Full name of the respondent or respondents.
 - 3. Basis of discrimination, i.e. race, color, religion, sex, age, ancestry, national origin, physical or mental disability, medical condition, sexual orientation, or marital status.
 - 4. A clear and concise statement of the facts constituting the alleged unlawful employment practice including dates.
 - 5. The reasonable remedy sought.

2. Manner of Filing

The complaint is served upon the department against whom the complaint is made within five (5) workdays of filing. The County Administrative Officer, County Counsel and departmental Human Resources Officer are provided with copies of the complaint.

3. Time of Filing

A complaint may not be filed after the expiration of one year from the date upon which the alleged unlawful employment practice occurred. This period may be extended not to exceed thirty (30) days following the expiration of that year if the person allegedly aggrieved by the unlawful employment practice first obtained knowledge of the facts of such practice after the expiration of one year from the date of occurrence.

4. **Withdrawal of Complaint**

A complaint or any part thereof may be withdrawn at any time. The request to withdraw a complaint shall specify the reasons for such request and must be signed by the complainant. Withdrawal of Complaint form is available from the EEO Office.

5. **Amendments**

A complaint or any part thereof may be amended by complainant within five (5) workdays after it is served on the department, and thereafter, at the discretion of the EEO Office. The amended complaint shall be served upon the department no later than five (5) workdays after filing.

C. INVESTIGATION:

1. **Investigative Process**

- a) When a complaint is filed, an EEO Analyst will investigate the alleged unlawful employment practice. The investigation is conducted in cooperation with the departmental Human Resources Officer or EEO Representative where one is assigned by the department.
- b) The EEO Analyst, wherever necessary, may request the attendance of any party or witness, or require the production for examination of any personnel or payroll records, correspondence, documents, books or other evidence relating to the matter under investigation.
- c) The complainant is requested not to discuss the complaint or investigative process with anyone without a need to know in order to maintain the confidentiality and integrity of the investigative process and avoid disruption of the investigation.

2. **Investigative Findings**

- a) If the investigative findings of the EEO Analyst conclude there is not unlawful employment practice, the complaint is closed.
- b) If the investigative findings conclude that action is warranted, the EEO Analyst will work with the responding department in an endeavor to eliminate the unlawful employment practice.
- c) In the event that the EEO Analyst cannot eliminate such unlawful employment practice, the matter shall be referred to the Board of Supervisors for appropriate action. The County Administrative Officer may intervene at any point in the process to resolve the matter under investigation.

- d) The complainant is notified in writing of the investigative findings and of his/her right to appeal investigative findings to arbitration in accordance with the Equal Employment Opportunity Complaint Appeal Process (Section 13 of the 1999-2001 MOU Grievance Procedure as outlined in Section D of the CRP).

3. Investigative Report

- a) The final written investigative report is prepared by the EEO Analyst and issued to the appropriate department head. The report is to be handled in the utmost confidential manner and not be disclosed unless legally required.
- b) The department head has the right to receive any and all information developed during the investigation upon completion of the investigative process. However, if the department head is the alleged violator, the information shall be provided to the next higher level of authority.

D. EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT APPEAL PROCESS (Section 13 of the 1999-2001 MOU Grievance Procedure):

- 1. In the event the investigative findings of the EEO Office are not satisfactory to the complainant, the complainant represented by the San Bernardino Public Employees Association (SBPEA) may file an appeal as described herein. A complainant not represented by SBPEA may use the appeal process.
- 2. Within ten (10) calendar days of receipt of the written investigative findings of the EEO Office, SBPEA (or the employee/applicant) may file an appeal to arbitration on behalf of the complainant. The EEO Office and SBPEA (or the employee/applicant) shall contact an arbitrator to establish a hearing date acceptable to both parties; provided, however, that the arbitrator must have demonstrated experience in the field of affirmative action and employment discrimination.
- 3. The arbitration will be conducted in accordance with Step 6 of Section 8 of the Grievance Procedure, substituting the EEO Office for the Employee Relations Division where applicable except for the following: The arbitrator may not order any monetary remedy which exceeds actual losses of pay and benefits suffered by the complainant.

(Complaint of Employment Discrimination Forms are maintained by the EEO Office.)